

Certified Declaration of Ryan Browne

NAUTICA RETAIL USA, LLC

KIPLING

<https://www.kipling-usa.com/>

I, Ryan Browne, submit this declaration and declare the following:

1. I am at least 18 years of age and have personal knowledge of the information contained herein.
2. I was retained by the Plaintiff, by and through counsel on June 1, 2023.
3. The Plaintiff claims to be, and has proven that they are, visually impaired and claims to have rights covered under the American with Disabilities Act (ADA).
4. I was retained to examine evidence provided by the Plaintiff and gathered on my own evidence as it relates to the website belonging to NAUTICA RETAIL USA, LLC
5. The URL for this website is at <https://www.kipling-usa.com/>.
6. The Plaintiff, in his interview has claimed that the website fails to provide adequate accommodations for his impairment.
7. Specifically, the Plaintiff has claimed that the website fails in the following areas:
 - a. Plaintiff was not able to purchase several retail items.
8. My analysis of this issue shows the following:
 - a. The company NAUTICA RETAIL USA, LLC, owns and operates retail locations in Miami Dade County.
 - b. The company has brick and mortar locations in Miami-Dade County;
 - c. The affidavit provided by Plaintiff has identified the website in question as: <https://www.kipling-usa.com/>.
 - d. The affidavit provided by Plaintiff has stated that he visited the website in question;
 - e. A review of the screen capture provided by the Plaintiff shows that the website does contain the defects and limitations as identified by the Plaintiff;
 - f. A review of the screen captures shows that the issues the Plaintiff identified in his Complaint for Declaratory and Injunctive Relief, and Jury Trial Demand did exist and the issues do appear to be dramatically impairing the Plaintiff's ability to use the website; and
 - g. Prior to executing the Declaration, I performed an independent review of the website located at <https://www.kipling-usa.com/>.

- h. As part of my review, I used the enhancement features found on my computer as well as software available to the Plaintiff or individuals with a similar disability.
 - i. In addition, I examined the code of the website, and I determined that it was not accessible.
9. From my review, I have developed the following opinions:
- a. It is my opinion that the website in question does have the issues identified by the Plaintiff;
 - b. It is my opinion that the Plaintiff, given his disability, was not able to adequately and effectively use the website;
 - c. It is my opinion that the issues appear to be with the website's design and this oversight by the company and its developers have limited or prevented access by the Plaintiff; and
 - d. It is my opinion that this limited access or prohibition is related to the Plaintiff's disability.

Under penalty of perjury, I hereby submit and affirm the following statements are true and correct.



Ryan Browne

Dated: 8 day of June, 2023.